

RESOLUTION NO. 2019-06

RESOLUTION TO INITIATE WITHDRAWAL FROM THE CITY LIMITS AND CLEAN WATER SERVICES BOUNDARY A CERTAIN TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 35 AND SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 4 WEST WILLAMETTE MERIDIAN AND SETTING A DATE FOR PUBLIC HEARING (FILE NUMBER 311-000040-PLNG)

WHEREAS, in 1995, the Portland Metropolitan Area Local Government Boundary Commission (Commission) approved proposal 3429 annexing a certain tract land into the Forest Grove city limits as described by Exhibit A; and

WHEREAS, the territory subject to proposal 3429 is bisected by the Portland regional urban growth boundary; and

WHEREAS, the annexation was necessary to allow development inside the urban growth boundary and to ensure that only one entity has jurisdiction over the entire lot of record; and

WHEREAS, the Commission's decision approving proposal 3429 stated that once a lot encompassing the area outside the urban growth boundary is established the City proceed with withdrawal of that area from the city limits; and

WHEREAS, On November 15, 2017, the property owner received preliminary approval of a land division creating several lots including a lot encompassing the territory outside the urban growth boundary (City Casefile 311-17-000050-PLNG/Partition Plat 2018-060); and

WHEREAS, Oregon Revised Statutes (ORS) Chapter 222.460 et. seq., provides a process for withdrawal of territory from a city; and

WHEREAS, on October 31, 2018, the owner of the property subject to annexation proposal 3429, submitted an application formally requesting withdrawal of the subject territory from the Forest Grove city limits in anticipation of recording the partition plat; and

WHEREAS, the partition plat was recorded on December 31, 2018 (Washington County Document No. 2018-086890); and

WHEREAS, under ORS 222.460(2), withdrawal of territory from a city must be initiated by resolution of the legislative body of the city; and

WHEREAS; under ORS 222.460(3), the required resolution shall declare that it is the intent of the City's legislative body to change the boundaries of the City by means of withdrawal of territory; and

WHEREAS, under ORS 222.460(4), state law requires that not later than 30 days after adoption of the resolution the legislative body of the city shall hold a public hearing on the question of withdrawal of territory from the City.

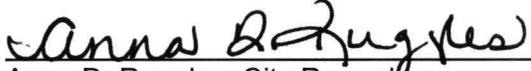
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The Forest Grove City Council declares its intent to change the boundary of the City by withdrawing the territory described by Exhibit A from the Forest Grove city limits pursuant to ORS 222.460 et. seq. The Forest Grove City Council also desires to simultaneously withdraw the subject territory from the Clean Water Services boundary pursuant to ORS 199.510(2)(c).

Section 2. The Forest Grove City Council desires to hold a Public Hearing on the question of withdrawal of the subject territory from the Forest Grove city limits on February 11, 2019.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of January, 2019.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of January, 2019.



Peter B. Truax, Mayor

NORTHWEST
SURVEYING, INC.

BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL
Licensed in OR & WA

1815 NW 169TH PLACE, SUITE 2090
BEAVERTON, OR 97006

TELEPHONE: (503) 848-2127
FAX: (503) 848-2179

PROPERTY DESCRIPTION

December 22, 2018

NWS Project No. 1060

Annexation Area

Page 1 of 2

A tract of land being located in the southeast one-quarter of Section 35 and the southwest one-quarter of Section 36, Township 1 North, Range 4 West, Willamette Meridian, City of Forest Grove, Washington County, Oregon, more particularly described as follows:

Beginning at the southwest corner of Ballad Towne No. 2; thence along the south line of Ballad Towne No. 2, North 89°38'00" East a distance of 1089.90 feet to the southeast corner of Tract "G", Knox Ridge No. 4; thence along the southwesterly boundary of Knox Ridge No. 4 the following 15 courses: South 19°37'26" East a distance of 1.41 feet to an angle point thereon; South 42°59'27" East a distance of 80.24 feet to an angle point thereon; South 26°12'19" East a distance of 12.56 feet to an angle point thereon; South 25°58'52" East a distance of 123.02 feet to an angle point thereon; South 37°40'04" East a distance of 109.49 feet to an angle point thereon; South 30°29'08" East a distance of 28.71 feet to an angle point thereon; South 44°01'54" East a distance of 166.37 feet to an angle point thereon; South 53°25'09" East a distance of 100.50 feet to an angle point thereon; South 08°25'08" East a distance of 15.56 feet to an angle point thereon; South 36°34'51" West a distance of 14.00 feet to an angle point thereon; South 53°25'09" East a distance of 91.11 feet to an angle point thereon; South 13°11'36" East a distance of 128.55 feet to an angle point thereon; South 24°02'23" West a distance of 97.25 feet to an angle point thereon; South 66°08'11" East a distance of 30.39 feet to an angle point thereon; North 66°20'31" East a distance of 102.47 feet to an angle point on the westerly boundary of Lot 128 of Knox Ridge No. 4; thence along the westerly boundary of said Lot 128 together with the westerly boundary of Partition Plat No. 2016-015, South 25°45'05" East a distance of 92.84 feet to an angle point on the westerly boundary of Partition Plat No. 2016-015; thence continuing along the westerly boundary of Partition Plat No. 2016-015, South 32°14'42" East a distance of 88.14 feet to a 5/8 inch iron rod located at the most southerly corner of Parcel 2 thereof; thence South 37°25'32" West a distance of 9.98 feet to a 5/8 inch iron rod; thence South 41°40'10" East a distance of 86.36 feet to a 5/8 inch iron rod; thence South 66°25'29" East a distance 72.21 feet to a 5/8 inch iron rod; thence South 77°27'57" East a distance of 79.81 feet to a 5/8 inch iron rod; thence South 48°57'00" East a distance of 47.93 feet to a 5/8 inch iron rod; thence South 34°22'56" East a distance of 139.48 feet to a 5/8 inch iron rod; thence South 18°10'51" East a distance of 122.57 feet to a 5/8 inch iron rod; thence South 06°36'58" East a distance of 119.62 feet to a 5/8 inch iron rod; thence South 05°04'16" West a distance of 56.98 feet to a 5/8 inch iron rod; thence South 16°47'34" West a distance of 46.08 feet to a 5/8 inch iron rod; thence South 00°08'22" West a

Annexation Area

Page 2 of 2

distance of 82.51 feet to a 5/8 inch iron rod; thence South 05°43'34" East a distance of 75.52 feet to a 5/8 inch iron rod; thence South 23°03'49" West a distance of 75.33 feet to a 5/8 inch iron rod located on the south line of Parcel I (as described on page 3 of Exhibit A) of that property conveyed to John H. Knox by deed recorded March 24, 2014 as Document No. 2014-016313, Washington County Deed Records; thence along the south line of said Knox property South 88°45'11" West a distance of 703.38 feet to a 5/8 inch iron rod located at the southwest corner thereof; thence along the west line of said Knox property, North 00°25'00" East a distance of 852.03 feet to the northwest corner thereof, said point being on the south line of Parcel II (as described on page 3 of Exhibit A) of said Knox property; thence along the south line of said Parcel II, South 89°36'23" West a distance of 1383.15 feet to the southwest corner thereof; thence along the west line of said Parcel II, North 00°39'05" East a distance of 891.24 feet to the Point of Beginning.

Said described tract of land contains 41.94 acres, more or less.

Bearings are based on Survey No. 27,470, Washington County Survey Records.

ANNEXATION CERTIFIED

BY VF

DEC 24 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott F. Field

OREGON
JUNE 30, 1997
SCOTT F. FIELD
2844

RENEWS: 12/31/2019

BY TF

DEC 24 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT DRAWING

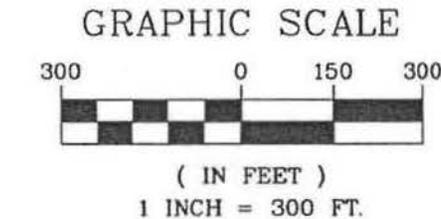
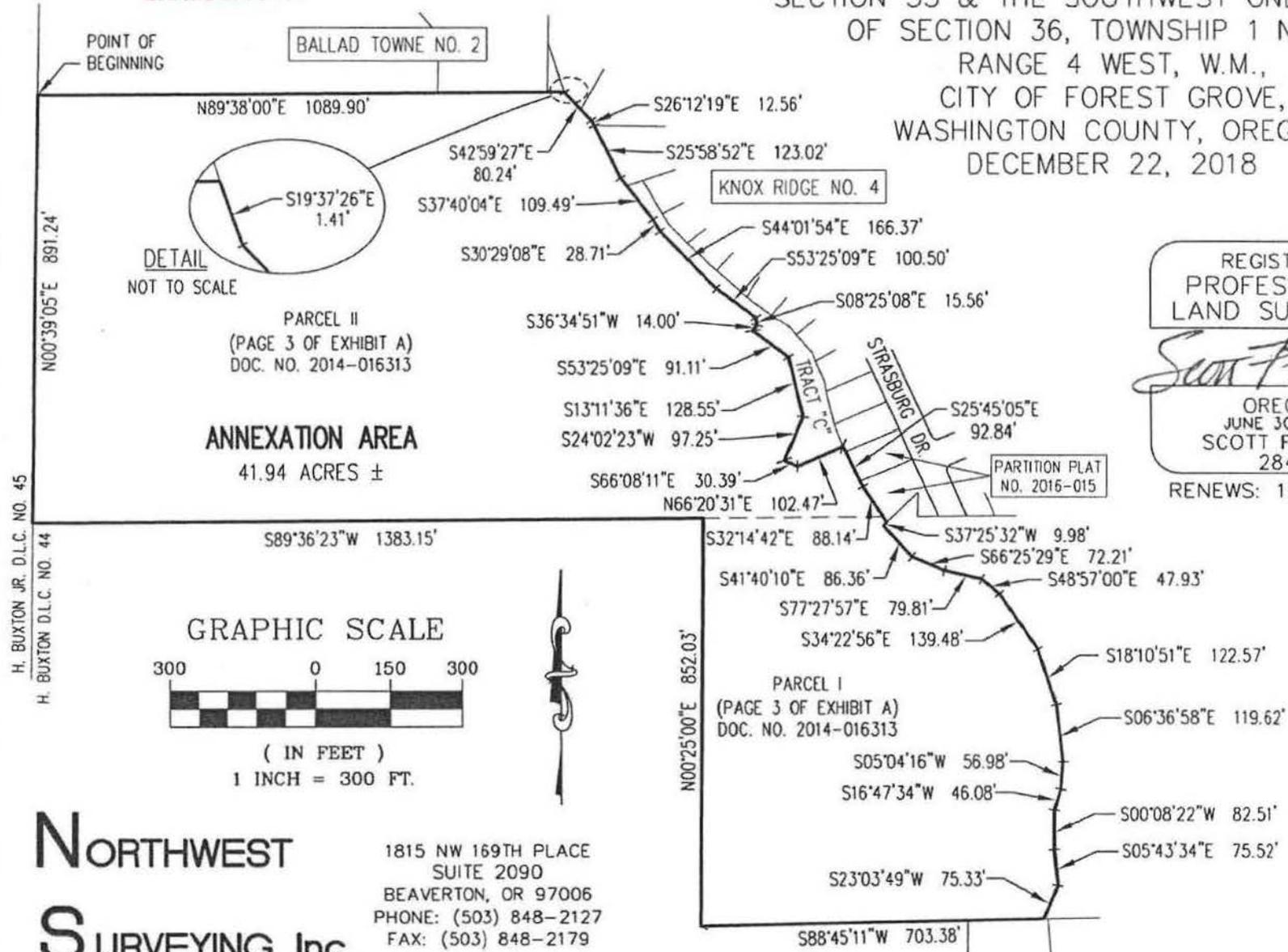
LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 35 & THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M., CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON
DECEMBER 22, 2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott F. Field

OREGON
JUNE 30, 1997
SCOTT F. FIELD
2844

RENEWS: 12/31/2019



H. BUXTON JR. D.L.C. NO. 45
H. BUXTON D.L.C. NO. 44

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A place where families and businesses thrive.

CITY RECORDER USE ONLY:	
AGENDA ITEM #:	7
MEETING DATE:	1/14/19
FINAL ACTION:	2019-06 RESO

CITY COUNCIL STAFF MEMORANDUM

TO: City Council

FROM: Jesse VanderZanden, City Manager

PROJECT TEAM: Bryan Pohl CFM, Community Development Director; and Daniel Riordan, Senior Planner

MEETING DATE: January 14, 2019

SUBJECT TITLE: Resolution to Initiate Withdrawal from the City Limits and Clean Water Services Boundary a Certain Tract of Land Located in the Southeast One-Quarter of Section 35 and Southwest One-Quarter of Section 36, Town 1 North, Range 4 West, Willamette Meridian; and Setting a Date for a Public Hearing. (Casefile 311-18-000040-PLNG)

ACTION REQUESTED:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
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X all that apply

ISSUE STATEMENT:

In 1995, the Portland Area Local Government Boundary Commission (Commission) approved an annexation of a tax lot located near Strasburg Drive (Attachment A). Although urban growth boundary (UGB) bisects the tax lot it's entirely within the city limits. The area outside the urban growth boundary has a Washington County agriculture and forestry (AF-20) zoning designation. The area inside the UGB was assigned the City's Single Family R-7 zoning designation after annexation.

The Commission's decision notes the entire tax lot was annexed into the City to ensure only one jurisdiction has legal authority to act on development decisions. Since the area inside the UGB was proposed for development, the Commission determined the City is the appropriate jurisdiction to have authority over development decisions.

The Commission's decision also stipulated that at such time a lot is created for the area outside the UGB this area be withdrawn from the city limits. In November 2017, the property owner received preliminary approval for a partition to create three parcels including one for the area outside the UGB. The partition was recorded in December 2018 and is now final. Now that the partition is final, the property owner is requesting the City withdraw the area outside the UGB from the city limits consistent with the 1995 Commission's decision. The first step in this process is adoption of a City Council resolution declaring the City's intent to withdraw the territory from the City and Clean Water Services boundary and setting a date for the first public hearing on this matter.

BACKGROUND:

In 1995, the owner of property located near the terminus of Strasburg Drive desired annexation to the City (Attachment A). Although the subject territory is entirely within the City limits it's bisected by the urban growth boundary. The entire tax lot is approximately 49 acres in area. The area outside the UGB is approximately 41 acres. The property owner sought annexation in 1995 so that utilities could be extended to the portion of the property inside the UGB to serve a proposed subdivision.

When the property was proposed for annexation in 1995, the Portland Area Local Government Boundary Commission had authority to approve annexations. The Commission approved the annexation, in part, to ensure only one jurisdiction (the City) had the legal authority over development decisions affecting the entire tax lot. Although the Commission approved the annexation, the Commission's decision stipulated that when the land is divided and a lot is created for the outside the UGB this area should be removed from the city limits. In November 2017, the property owner received preliminary approval for a three parcel land partition. One lot includes the territory solely outside of the UGB. The partition was recorded on December 31, 2018 and is now final (Partition Plat No. 2018-060 / Document No. 2018-086890).

On October 31, 2018, the property owner submitted an application requesting withdrawal of the parcel outside the UGB. The withdrawal application was filed in anticipation of the partition becoming final. The application was deemed incomplete pending submittal of a required map and legal description for review and preliminary approval by the Oregon Department of Revenue (DOR). The map and legal description were submitted to DOR and the City on December 18, 2018. Subsequently, DOR granted preliminary approval of the map and legal description, with minor modification, on December 26, 2018.

Now that the map and legal description have been preliminary approved by DOR and the partition is final the City may initiate the withdrawal of the territory outside of the UGB from the city limits. Oregon Revised Statutes (ORS Chapter 222.460) describes the process that must be followed for withdrawal of territory from a city. The first step is City Council adoption of a resolution declaring the City's intent to withdraw the territory from the City. The resolution must also set a date for an initial public hearing. The public hearing must occur within 30-days after the resolution is approved. To adhere to this requirement staff recommends City Council hold the first public hearing on February 11, 2019. This provides adequate time for mailing the required public notice to parties entitled to receive notice.

If the City Council, after the initial public hearing, still favors the withdrawal of the territory from the City, the Council must adopt an order so declaring. The order must also set a date for a second public hearing on the matter. State law requires that the second public hearing occur not less than 20 days nor more than 50 days after the date of the order. If after the second public hearing the City does not receive written requests for an election from at least 100 electors, the City Council may adopt an ordinance detaching the territory from the City. Adoption of the ordinance requires two additional public hearings. One hearing for first reading of the ordinance and a hearing for second reading and final approval. The ordinance will go into effect thirty days after approval.

FISCAL IMPACT:

The taxable assessed value of the area outside the UGB is estimated to be approximately \$57,400. Based on this amount the City will likely forego approximately \$320.00 in annual property tax revenue after withdrawal from the City.

After withdrawal from the City responsibility for fire protection will be transferred to the Forest Grove Rural Fire Protection District. The Rural Fire Protection District tax rate is \$1.2776 per \$1,000 of taxable assessed value. After withdrawal of the territory from the City the Rural Fire Protection District will receive approximately \$73.00 in annual property tax revenue.

The territory withdrawn from the City will also be removed from the Clean Water Services district. The fiscal impact to the Clean Water Services should be negligible.

STAFF RECOMMENDATION:

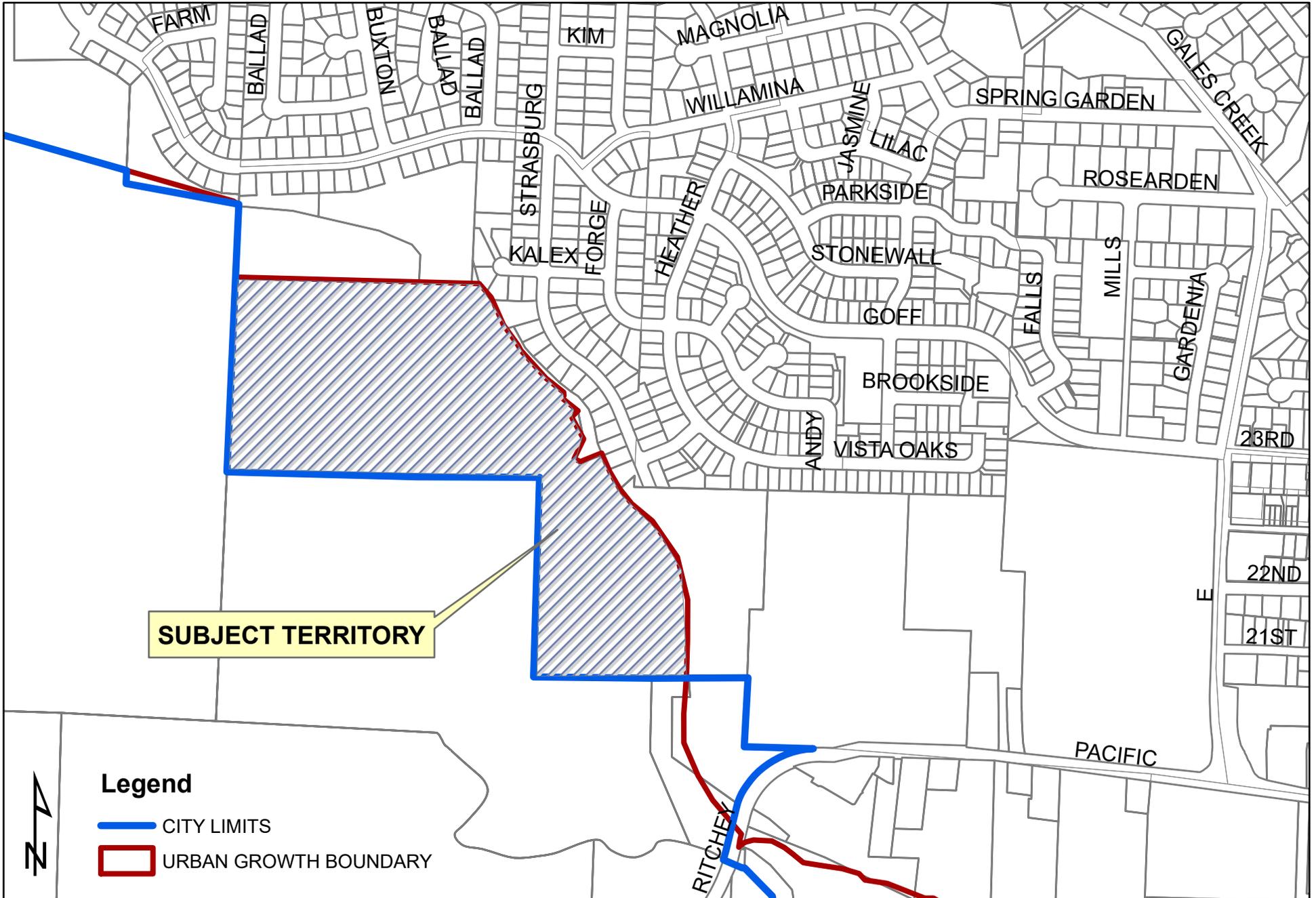
Staff recommends City Council adopt the attached resolution declaring the City's intent to withdraw the subject territory outside the UGB from the City and Clean Water Services boundary and hold an initial Public Hearing on this matter on February 11, 2019.

ATTACHMENT(s):

- A. Vicinity Map
- B. Resolution & Exhibit A
- C. PPT

PETITION TO WITHDRAW TERRITORY FROM CITY LIMITS

CASEFILE 311-18-00040-PLNG



SUBJECT TERRITORY

Legend

-  CITY LIMITS
-  URBAN GROWTH BOUNDARY

